

MINUTES OF THE CITY OF BURLINGTON  
CITY COUNCIL MEETING  
JUNE 15, 2010

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on June 15, 2010, at 7:00 p.m.

Mayor Ronnie K. Wall presided

Councilmembers Present: Mayor Wall, Councilmembers Huffman,  
Butler, Ross and Faucette

Councilmembers absent: None

Harold Owen, City Manager: Present

Robert M. Ward, City Attorney: Present

Jondeen D. Terry, City Clerk: Present

INVOCATION: Councilmember Jim Butler

RECOGNITION: Community Council Award - Bud and Beth Warner

APPROVAL OF MINUTES: June 1, 2010 - City Council Meeting

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Ross, it was resolved unanimously to approve the minutes of the meeting held on June 1, 2010.

DELETIONS FROM AGENDA:

Item B) Amendment to City Code Section 32-92 Encroachment to  
Enter Right-of-Way

Item C) Resolution - Granting Encroachment on Street Right-of-Way  
- Hawkins Street

Item D) Resolution - Granting Encroachment on Street Right-of-Way  
- Anne Elizabeth Drive

Upon motion by Councilmember Faucette, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to remove the above-mentioned items from the consent agenda.

ADD-ONS TO CONSENT AGENDA:

1. Consent Agenda - Application for Grant - Police Department
2. Consent Agenda - Appointments to Advisory Boards and Commissions
3. New Business - Naming of City Facilities

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to add the above-mentioned items.

ADOPTION OF AGENDA:

Upon motion by Councilmember Ross, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to adopt the agenda with the add-ons.

CONSENT AGENDA:

ITEM 1:

- A) To approve the 2010-2011 contract for services with the Whitsett Volunteer Fire Department, Inc., in the amount of \$70,000.00.
- B) Removed from Agenda
- C) Removed from Agenda
- D) Removed from Agenda
- E) To adopt a resolution authorizing condemnation to acquire certain property owned by Atlas NC 1 SPE, LLC, to install a signal light at the corner of Forestdale Drive and Boone Station Drive.

10-08

RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN  
PROPERTY OF ATLAS NC 1 SPE, LLC

WHEREAS, the governing body of the City of Burlington hereby determines that it is necessary and in the public interest to acquire certain property owned by Atlas NC 1 SPE, LLC, for the following public purpose: to install a signal light at the corner of Forestdale Drive and Boone Station Drive.

WHEREAS, the proper officials or representatives of the City of Burlington have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BURLINGTON THAT:

1. The City of Burlington shall acquire by condemnation for the purposes stated above the property and interest described as follows:

Deed: Right-of-Way for Utility Improvements.

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina, adjoining Forestdale Drive, Boone Station Drive and the lands of Atlas NC 1 SPE, LLC, being more particularly described as follows:

Beginning at the existing iron stake at the intersection of the north right-of-way line of Boone Station Drive and the west right-of-way line of Forestdale Drive, a corner with Oak Grove Crossing Office Condominium Phase 1, and running thence from said beginning point along the north right-of-way line of Boone Station Drive and the line of said Oak Grove Crossing Office Condominium Phase 1, N 87 deg 34'26" W 15 feet to a point in the existing north right-of-way line of Boone Station Drive; thence from the said point a new line across the lands of Oak Grove Crossing Office Condominium Phase 1, N 49 deg 29'07" E 21.96' to a point on the existing west right-of-way line of Forestdale Drive, thence along the west right-of-way line of Forestdale Drive S 06 deg 32'41"W 15 feet to the point of beginning and containing 112 sq. ft. and being as shown on the City of Burlington Engineering Drawing No. 4067-08.

Permanent Easement:

Beginning at a point 15 feet from the existing iron stake at the intersection of the north right-of-way line of Boone Station Drive and the western right-of-way line of Forestdale Drive, a corner with Oak Grove Crossing Office Condominium Phase 1, and running thence from said beginning point a new line across the

lands of Oak Grove Crossing Office Condominium Phase 1, N 49 deg 29'07"E 21.96' to a point on the existing west right-of-way line of Forestdale Drive; thence along the west right-of-way line of Forestdale Drive S 06 deg 32'41"W 15 feet to the point of the existing west right of way line of Forestdale Drive; thence from the said point a new line across the lands of Oak Grove Crossing Condominium Phase 1, S 49 deg 29'34" W 43.93' to a point on the existing north right-of-way line of Boone Station Drive; thence from the said point along the north right-of-way line of Boone Station Drive S 87 deg 34' 26" E 15.01 feet to the point of beginning and containing 337 sq. ft. and being as shown on the City of Burlington Engineering Drawing No. 4067-08.

2. The attorneys representing the City of Burlington are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

F) To adopt a resolution authorizing condemnation to acquire certain property owned by Troy CMBS Property, LLC (Kmart Corporation) for a site easement for utility improvements at the corner of Forestdale Drive and Boone Station Drive.

10-09

RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN  
PROPERTY OF TROY CMBS PROPERTY, LLC (KMART CORPORATION)

WHEREAS, the governing body of the City of Burlington hereby determines that it is necessary and in the public interest to acquire certain property owned by Troy CMBS Property, LLC (Kmart Corporation), for the following public purpose: a site easement for utility improvements at the corner of Forestdale Drive and Boone Station Drive.

WHEREAS, the proper officials or representatives of the City of Burlington have been unable to acquire the needed interest in this Property by negotiated conveyance:

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BURLINGTON THAT:

1. The City of Burlington shall acquire by condemnation for the purposes stated above the property and interest described as follows:

A certain tract or parcel of land in Burlington Township, Alamance

County, North Carolina adjoining Forestdale Drive and the lands of TROY CMBS PROPERTY, LLC, being more particularly described as follows:

Beginning at a point in the intersection of Forestdale Drive and Boone Station Drive S 24 deg 03' 46" E 79.36 feet to an iron stake in the eastern right-of-way of Forestdale Drive and the common property line of Marklin Properties, LLC, and Troy CMBS Property, LLC, being the point of beginning, thence along the said common property line N 45 deg 51' 07" E 26.60 feet to a calculated point on the common property line of Marklin Properties, LLC, and Troy CMBS Property, LLC, thence along the lands of Troy CMBS Property, LLC, a chord bearing of S 11 deg 00' 37" E 181.83 having a radius of 583.11 feet to a calculated point along the lands of Troy CMBS Property, LLC; thence from a said point a new line across the lands of Troy CMBS Property, LLC, N 80 deg 54' 08" W 22.77 feet to a calculated point in the existing eastern right-of-way of Forestdale Drive; thence along the existing right-of-way of Forestdale Drive, a chord of N 11 deg 19' 55" W 159.46 feet having a radius of 603.11 feet to an iron stake being the point and place of beginning and containing 3424 square feet ± and being as shown on the City of Burlington Engineering Drawing No. 4127-09.

2. The attorneys representing the City of Burlington are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

- G) To approve an amendment for professional services in the amount of \$49,700.00 to Carollo Engineers to include construction observation, construction administration and testing during the construction phase of the Ed Thomas Plant clearwell baffle and chemical feed systems and to approve the corresponding Budget Amendment 2010-48.

BA2010-48

Increase Revenues:

030-39398-0000	Appropriated Fund Balance	\$49,700
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Increase Expenditures:

030-83803-1900	Professional Services	\$49,700
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- H) To approve a Professional Services Agreement in the amount of \$53,350.00 between Martin/Alexiou/Bryson, PC, and the Burlington-Graham MPO for Rockwood-O'Neal Street operations and traffic impact study.
- I) To adopt ordinances requiring the demolition of buildings located at 1007 Catlin Street, 2432 Park Road Extension and 605 Richmond Avenue in the City of Burlington.

10-12

ORDINANCE REQUIRING THE DEMOLITION OF A HOUSE LOCATED AT 1007 CATLIN STREET IN THE CITY OF BURLINGTON

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NC:

Section 1. That the house located at 1007 Catlin Street and owned by Patsy H. Miller King heirs has been found by the Building Inspector to be in such a dilapidated state of disrepair with substandard conditions such as to be dangerous to life, health and other property and constitutes a fire or safety hazard to the residents of the City of Burlington.

Section 2. That the owner of said property has been duly notified after *Complaint and Notice of Hearing* has been duly held by the Building Inspector to demolish and remove the said house above mentioned and the owner has failed to obey such order.

Section 3. That this Council has found and does hereby find that the Building Inspector has complied fully with the provisions of said Chapter 14 of the City of Burlington Code of Ordinances; and, that after careful review of the findings of the Building Inspector, the Council has found and does hereby find and determine that the house in question is in such a dilapidated and substandard state of disrepair as to constitute a fire or safety hazard and is dangerous to life, health and other property; and, that the owner of said house has failed to have the house demolished and removed; and, that all proceedings of the Building Inspector are hereby incorporated into and made a part of this ordinance by reference.

Section 4. That it is, therefore, ordered that the Building Inspector proceeds with the complete demolition and removal of said house immediately.

Section 5. That the City Tax Collector is hereby directed to place on the City's tax records all costs incurred as a result of the demolition and removal of the house named above and such costs are to be collected in accordance with the applicable laws.

Section 6. That subject to Section 10 hereof, the demolition and removal of said house shall be completed within sixty (60) days from the date hereof.

Section 7. That in the event there shall be any excess funds arising from the salvage and resulting from the demolition and removal of the house mentioned, after paying all costs connected with such demolition and removal, any such balance remaining shall be deposited in the office of the Clerk of Superior Court of Alamance County, NC, by the Building Inspector to be secured in such manner as may be directed by the said court and disbursed by the court to the person or persons found to be entitled thereto by the final order decree of such court.

Section 8. That subject to Section 10, hereof, this ordinance shall constitute a final order or condemnation and demolition and removal of such house.

Section 9. That the contract for demolition shall be awarded to the approved bidder subject to the criteria set forth in the City's Request for Proposals Building Demolition form.

Section 10. Said ordinance shall be effective ten (10) days from this date.

10-13

ORDINANCE REQUIRING THE DEMOLITION OF A HOUSE LOCATED AT 2432 PARK ROAD EXTENSION IN THE CITY OF BURLINGTON

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NC:

Section 1. That the house located at 2432 Park Road

Extension and owned by Fred Pearly, Margaret Lawrence, Presley Lawrence, Jr., and Bessie Lawrence has been found by the Building Inspector to be in such a dilapidated state of disrepair with substandard conditions such as to be dangerous to life, health and other property and constitutes a fire or safety hazard to the residents of the City of Burlington.

Section 2. That the owner of said property has been duly notified after *Complaint and Notice of Hearing* has been duly held by the Building Inspector to demolish and remove the said house above mentioned and the owner has failed to obey such order.

Section 3. That this Council has found and does hereby find that the Building Inspector has complied fully with the provisions of said Chapter 14 of the City of

Burlington

Code of Ordinances; and, that after careful review of the findings of the Building Inspector, the Council has found and does hereby find and determine that the house in question is in such a dilapidated and substandard state of disrepair as to constitute a fire or safety hazard and is dangerous to life, health and other property; and, that the owner of said house has failed to have the house demolished and removed; and, that all proceedings of the Building Inspector are hereby incorporated into and made a part of this ordinance by reference.

Section 4. That it is, therefore, ordered that the Building Inspector proceeds with the complete demolition and removal of said house immediately.

Section 5. That the City Tax Collector is hereby directed to place on the City's tax records all costs incurred as a result of the demolition and removal of the house named above and such costs are to be collected in accordance with the applicable laws.

Section 6. That subject to Section 10 hereof, the demolition and removal of said house shall be completed within sixty (60) days from the date hereof.

Section 7. That in the event there shall be any excess funds arising from the salvage and resulting from the demolition and removal of the house mentioned, after



paying all costs connected with such demolition and removal, any such balance remaining shall be deposited in the office of the Clerk of Superior Court of Alamance County, NC, by the Building Inspector to be secured in such manner as may be directed by the said court and disbursed by the court to the person or persons found to be entitled thereto by the final order decree of such court.

Section 8. That subject to Section 10, hereof, this ordinance shall constitute a final order or condemnation and demolition and removal of such house.

Section 9. That the contract for demolition shall be awarded to the approved bidder subject to the criteria set forth in the City's Request for Proposals Building Demolition form.

Section 10. Said ordinance shall be effective ten (10) days from this date.

10-14

ORDINANCE REQUIRING THE DEMOLITION OF A HOUSE LOCATED AT 605  
RICHMOND AVENUE\_ IN THE CITY OF BURLINGTON

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON,  
NC:

Section 1. That the house located at 605 Richmond Avenue and owned by Charles T. Harvey, Jr. heirs has been found by the Building Inspector to be in such a dilapidated state of disrepair with substandard conditions such as to be dangerous to life, health and other property and constitutes a fire or safety hazard to the residents of the City of Burlington.

Section 2. That the owner of said property has been duly notified after *Complaint and Notice of Hearing* has been duly held by the Building Inspector to demolish and remove the said house above mentioned and the owner has failed to obey such order.

Section 3. That this Council has found and does hereby find that the Building Inspector has complied fully with the provisions of said Chapter 14 of the City of

## Burlington

Code of Ordinances; and, that after careful review of the findings of the Building Inspector, the Council has found and does hereby find and determine that the house in question is in such a dilapidated and substandard state of disrepair as to constitute a fire or safety hazard and is dangerous to life, health and other property; and, that the owner of said house has failed to have the house demolished and removed; and, that all proceedings of the Building Inspector are hereby incorporated into and made a part of this ordinance by reference.

Section 4. That it is, therefore, ordered that the Building Inspector proceeds with the complete demolition and removal of said house immediately.

Section 5. That the City Tax Collector is hereby directed to place on the City's tax records all costs incurred as a result of the demolition and removal of the house named above and such costs are to be collected in accordance with the applicable laws.

Section 6. That subject to Section 10 hereof, the demolition and removal of said house shall be completed within sixty (60) days from the date hereof.

Section 7. That in the event there shall be any excess funds arising from the salvage and resulting from the demolition and removal of the house mentioned, after paying all costs connected with such demolition and removal, any such balance remaining shall be deposited in the office of the Clerk of Superior Court of Alamance County, NC, by the Building Inspector to be secured in such manner as may be directed by the said court and disbursed by the court to the person or persons found to be entitled thereto by the final order decree of such court.

Section 8. That subject to Section 10, hereof, this ordinance shall constitute a final order or condemnation and demolition and removal of such house.

Section 9. That the contract for demolition shall be awarded to the approved bidder subject to the criteria set forth in the City's Request for Proposals Building Demolition form.

Section 10.Said ordinance shall be effective ten (10) days from this date.

J) To set a date of public hearing for July 6, 2010, to consider an economic development incentive request from Laboratory Corporation of America Holdings pursuant to North Carolina General Statute 158-7.1.

K) Budget Amendment 2010-49 - Appropriate Donations - Recreation Programs

BA2010-49

Increase Revenues:

030-31200-0004	Appr. Fund Bal-Lake Programs	\$ 8,168
010-39398-0004	Appr. Fund Bal-Comm. Centers	12,437

Increase Expenditures:

030-90811-6011	Special Lake Programs	\$ 8,168
010-62626-6011	Special Programs/Trips	12,437

L) Budget Amendment 2010-50 - Final Budget Amendment - All Funds

BA2010-50

General Fund

Increase Revenues:

010-33404-6210	Donations - Recr Programs	\$ 1,843
010-38399-0000	Residual Equity Trans In	96,000
010-38398-0000	Appropriated Fund Balance	1,923,000

Decrease Revenues:

010-39398-0000	Appropriated Fund Balance	\$ 96,000
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Increase Expenditures:

Customer Service/Collections

010-42425-1100	Telephone	\$ 3,000
010-42425-4500	Maint & Service Contracts	5,000

Engineering

010-43493-1900	Professional Services	75,000
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Human Resources

010-48481-1901	Medical Services	10,000
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General Administration

010-50502-1900	Professional Services	25,000
010-50502-5800	Bank Service Charges	30,000
010-50502-9100	Operating Transfer Out	850,000
010-50502-9101	Transfer to Workers Comp	300,000

Fire - Emer Serv Admin

010-53530-6002	On-Behalf of Payments-F&R	75,000
<u>Fire - Emer Response Serv</u>		
010-53535-0200	Personnel Services	50,000
<u>Equipment Maintenance</u>		
010-55554-4800	Purchases for Resale	500,000
<u>Recreation Buildings</u>		
010-62626-6026	Special Programs/North Park	1,843

Controlled Substance Abuse

Increase Revenues:

012-39398-0000	Appropriated Fund Balance	\$ 7,800
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Decrease Expenditures:

012-53530-0300	Personnel Services O/T	\$ 19,200
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Increase Expenditures:

012-53530-0400	Personnel Services P/T	\$ 27,000
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RICO

Increase Revenues:

013-38399-0000	Residual Equity Trans In	\$ 3,250
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Decrease Revenues:

013-39398-0000	Appropriated Fund Balance	\$ 3,250
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Capital Reserve

Increase Revenues:

015-38390-0000	Trans from Other Funds	\$ 650,000
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Increase Expenditures:

015-70700-7306	General Fund Infrastructure	\$ 650,000
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MPO - Planning - Transportation

Decrease Expenditures:

020-41410-7300	Special Projects	\$ 95,537
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Increase Expenditures:

020-41410-1900	Professional Services	\$ 95,537
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Water Resources

Increase Revenues:

030-38390-2115	Operating Transfer In	\$ 747,000
030-38399-0000	Residual Equity Trans In	1,182,609
030-39398-0000	Appropriated Fund Balance	1,280,000

Decrease Revenues:

030-39398-0000	Appropriated Fund Balance	\$1,929,609
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Increase Expenditures:

Building Admin Svcs

030-66661-9100	Operating Trans Out	\$ 25,000
030-66661-9102	Trans to Water Cap Res	500,000
030-66661-9103	Trans to Sewer Cap Res	500,000

Customer Service

030-66663-4517	Fee for Greensboro Sewer	100,000
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Line Supervision

030-70700-7300	Capital - Other Improv	70,000
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Water Line Svc & Const.

030-74704-7300	Capital - Other Improv	50,000
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Laboratories

030-87807-4500	Maint/Service Contracts	15,000
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Lakes & Marinas

030-90811-1600	Maint & Repair Equipment	20,000
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Water Capital Reserve

Increase Revenues:

036-38399-0000	Residual Equity Trans In	\$ 21,794
036-39000-0000	Appropriated Fund Balance	125,000
036-38000-0000	Operating Transfer In	500,000

Decrease Revenues:

036-39000-0000	Appropriated Fund Balance	\$ 21,794
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Increase Expenditures:

036-70000-9100	Operating Transfers Out	\$ 125,000
036-50000-7307	Misc. Capital Improv.	500,000

Sewer Capital Reserve

Increase Revenues:

038-38399-0000	Residual Equity Trans In	\$ 21,794
038-39000-0000	Appropriated Fund Balance	125,000
038-38000-0000	Operating Transfer In	500,000

Decrease Revenues:

038-39000-0000	Appropriated Fund Balance	\$ 21,794
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Increase Expenditures:

038-70000-9100	Operating Transfers Out	\$ 125,000
038-60000-7307	Misc. Capital Improv.	500,000

Burlington Downtown Corporation

Increase Revenues:

042-33300-0000	Contributions & Pledges	\$ 5,000
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Increase Expenditures:

042-72720-6020	Special Projects	\$ 5,000
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Group Health Benefits

Increase Revenues:

044-39398-0000	Appropriated Fund Balance	\$ 425,000
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Increase Expenditures:

044-53500-5500	City-Claims Active	\$ 150,000
044-53500-5506	Medicare Reimbursement	25,000
044-53500-5509	City Active/Prescriptions	125,000
044-53500-5510	City Retire/Prescriptions	125,000

Workers Compensation

Increase Revenues:

045-38390-0010	Transfer from General Fund	\$ 300,000
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Increase Expenditures:

045-60661-5600	Workers Comp Claims	\$ 300,000
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Stormwater

Increase Revenues:

058-38390-0000	Operating Transfers In	\$ 20,872
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Decrease Revenues:

058-39398-0000	Appropriated Fund Balance	\$ 20,872
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ERP System

Increase Revenues:

425-38000-0010	Operating Transfer In-GF	\$ 200,000
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Increase Expenditures:

425-60000-7300	Capital - Other-Software	\$ 200,000
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Inspection of Municipal Bridges

Increase Revenues:

438-39000-0000	Appropriated Fund Balance	\$ 7,000
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Increase Expenditures:

438-70000-9199	Residual Equity Trans Out	\$ 7,000
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GIS for Utilities

Increase Revenues:

443-39000-0000	Appropriated Fund Balance	\$ 145,293
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Increase Expenditures:

443-70000-9199	Residual Equity Trans Out	\$ 145,293
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Weed & Seed

Increase Revenues:

519-39398-0000	Appropriated Fund Balance	\$ 89,000
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Increase Expenditures:

519-70000-9199	Residual Equity Trans Out	\$ 89,000
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Governor Highway Safety

Increase Revenues:

523-39398-0000	Appropriated Fund Balance	\$ 3,250
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Increase Expenditures:

523-70000-9199	Residual Equity Trans Out	\$ 3,250
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Gang Investigator

Increase Revenues:

524-39398-0000	Appropriated Fund Balance	\$ 32,575
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Increase Expenditures:

524-70000-9199	Residual Equity Trans Out	\$ 32,575
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Community Development

Increase Revenues:

554-38399-0000	Residual Equity Trans In	\$ 16,399
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Decrease Revenues:

554-39398-0000	Appropriated Fund Balance	\$ 16,399
570-37120-0076	Westmoreland Land Sales	89,833

Increase Expenditures:

570-70400-1900	Professional Services	\$ 450
570-71400-1900	Professional Services	1,600
570-72400-1900	Professional Services	1,432
570-74400-0200	Administration	3
570-76400-0200	Administration	323
570-78400-1900	Professional Services	400
570-79400-1900	Professional Services	1,452

Decrease Expenditures:

570-70400-2600	Advertising	\$ 450
570-71400-1100	Telephone	400
570-71400-2600	Advertising	1,200
570-72400-1100	Telephone	208
570-72400-2600	Advertising	1,200
570-72400-6821	Section 108 Loan Payments	24
570-74400-6802	Transitional Housing	3
570-76400-6807	Contingency	323
570-76400-6813	Westmoreland Drive Project	89,833
570-78400-1100	Telephone	400
570-79400-1100	Telephone	800
570-79400-2600	Advertising	652

Jordan Lake Rules

Increase Revenues:

640-38000-0000	Operating Transfer In	\$ 250,000
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Increase Expenditures:

640-50000-1900	Professional Serv-Engineering	\$ 250,000
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Mebane St.-St. John St. Culvert

Increase Revenues:

642-39398-0000	Appropriated Fund Balance	\$ 37,271
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Increase Expenditures:

642-70000-9199	Residual Equity Trans Out	\$ 37,271
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Elevated Water Storage Tanks - Solar-Powered Mixers

Increase Revenues:

643-38000-0030	Operating Trans In - W&S	\$ 25,000
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Increase Expenditures:

643-50000-1900	Professional Services	\$ 25,000
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Sanitary Sewer Bond

Increase Revenues:

667-39398-0000	Appropriated Fund Balance	\$ 24,904
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Increase Expenditures:

667-70000-9199	Residual Equity Trans Out	\$ 24,904
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Water & Sewer Future Growth

Increase Revenues:

669-39398-0000	Appropriated Fund Balance	\$1,803,000
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Increase Expenditures:

669-70000-0030	Operating Trans Out - W&S	\$ 747,000
669-70000-9199	Residual Equity Trans Out	1,056,000

- M) To approve the submission of a COPS Hiring Program grant application for the Police Department.
- N) To make appointments to the Advisory Boards and Commissions for the 2010-11 fiscal year.

Board of Adjustment

Eric Grant

Lee Isley

David McDevitt



Housing Authority  
Dorothy Yarborough  
Grover Moore

Housing Commission  
Matthew Dobson  
John Treadwell  
Carol Wade

Burlington Historic Preservation  
Jeremy Allen  
Paul Crellin  
Elizabeth Read

Community Appearance Advisory  
Martha Mason  
Dean Minnich  
Charles McCall  
Linda Ellington

ABC Board  
Wade Montgomery

Traffic Commission  
Richard Blue  
Bret Canada

Planning and Zoning Commission  
Richard Parker  
John Black  
William Apple  
Richard Franks

Recreation and Parks Commission  
Jordan Morris  
Lawson Patty  
Gayland Brown

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to adopt the consent agenda.

PUBLIC HEARINGS:

ITEM 2: AMEND CONDITIONAL BUSINESS REZONING - TIRE CENTER -  
BURLINGTON STATION - (ON APPEAL)

Mayor Wall announced that a public hearing had been scheduled to consider amending a Conditional Business (CB) rezoning for Burlington Station. The request is to allow the use of a tire center with auto repair with no outside storage of tires or wrecked and inoperable vehicles. The property is located on the southwest corner of Rural Retreat Road and University Drive as shown on Alamance County Tax Map 3-26-88. (ON APPEAL)

Mr. Joe Kalo, attorney with Wishart, Norris, Heninger and Pittman, appeared on behalf of Burlington Rural Retreat. He requested to amend a Conditional Business rezoning for Burlington Station approved by City Council November 1, 2005. Mr. Kalo pointed out that that the existing zoning allowed for auto sales and that the applicant could open a tire business without any amendments. He stated that Firestone required the amendment so that minor additional services could be performed. He explained that basic auto service would be more in the nature of service than repair.

Upon motion by Councilmember Butler, seconded by Councilmember Faucette, it was resolved unanimously to close the public hearing.

Councilmember Butler moved for the adoption of the following ordinance:

10-15

ORDINANCE TO AMEND CONDITIONAL BUSINESS REZONING FOR BURLINGTON STATION TO INCLUDE THE USE OF A TIRE CENTER WITH AUTO REPAIR

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That REES 511, LLC, has requested that the Conditional Business rezoning previously approved on November 1, 2005, for Burlington Station be amended to include the use of a tire center with auto repair with no outside storage of tires or wrecked and inoperable vehicles. The property is located on the southwest corner of Rural Retreat Road and University Drive as shown on Alamance County Tax Map 3-26-88.

Section 2. That the amendment to the Conditional Business rezoning allowing the additional use is hereby authorized subject to the property complying with all previously approved Use and Development Conditions in addition to the following Use and Development Conditions:

### Use Conditions

All previously approved uses shall remain in effect with the addition of a tire center with auto repair. There shall be no body and fender repair and no outside storage of tires or wrecked and inoperable vehicles.

### Development Conditions

- 1) Reduction of overall square footage by 1,702 square feet.
- 2) Reduction of overall parking by 34 spaces.
- 3) Provided parking on site plan is sufficient to cover a future retail use in the auto service designated building if that building were to be converted in the future.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Ross, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

### ITEM 3: REZONE PROPERTY - HOLLY HILL MALL

Mayor Wall announced that a public hearing had been scheduled to consider rezoning from B-2, General Business District, to CB, Conditional Business District, to amend uses previously approved in the Unified Business Development. The request is to allow all uses permitted in B-2, General Business Districts, excluding uses as listed in Section 32.10:QQ.1. of the City of Burlington Zoning Ordinance, "Uses Not Permitted Within a Unified Business Development," except for the use of automobile repair, which will be allowed. The property is located on the southeast corner South Church Street and Huffman Mill Road as shown on Alamance County Tax Map 3-18-20.

Mr. Lawson Brown, representing Holly Hill Mall, LLC, stated that the local group that has purchased the mall and is making improvements has requested a conditional zoning to allow for signage. Mr. Brown stated that the Planning and Zoning Commission and staff are in favor of the change to the Conditional Business District.

Upon motion by Councilmember Faucette, seconded by Councilmember Butler, it was resolved unanimously to close the public hearing.

Councilmember Ross moved for the adoption of the following ordinance:

10-16

#### ORDINANCE TO REZONE PROPERTY AND AMEND USES ALLOWED IN UNIFIED BUSINESS DEVELOPMENT

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Land Use Plan are hereby amended by rezoning from B-2, General Business District, to CB, Conditional Business District, subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance the area described as follows:

Property located on the southeast corner of South Church Street and Huffman Mill Road as shown on Alamance County Tax Map 3-18-20.

Section 2. That the rezoning from B-2 to CB is hereby authorized subject to the following Use and Development Conditions:

#### Use Conditions

Permitted shall be all uses within B-2, General Business Districts, excluding the uses as listed in Section 32.10:QQ.1. of the City of Burlington Zoning Ordinance, "Uses Not Permitted With a Unified Business Development," except for the use of automobile repair, which shall be allowed. Also to be excluded: adult bookstores, adult video stores, adult cabarets and adult motels.

#### Development Conditions

- 1) The maximum total area of all business signs and all identification signs shall not exceed two square feet per lineal foot of street frontage, which means the total combined signage for Holly Hill Mall and all proposed outparcels shall not exceed 12,050 square feet.
- 2) The Mall shall be limited to a maximum of four pole signs, all with a maximum height of 40 feet. Mall developers shall update the two existing pole signs and shall have the option to add two additional pole signs -- one on International Drive and one on Anne Elizabeth Drive -- where no signage currently exists and where visibility may become an issue as the surrounding areas become further developed.
- 3) The proposed update of the Mall sign located at the corner of Huffman Mill Road and South Church Street shall not exceed 300 square feet per sign face, and the other three shall be limited to the standard 250 square foot B-2 sign.
- 4) All existing outparcels shall maintain existing pole and ground signage, and developers of all new outparcels shall have the opportunity to erect ground signage not to exceed 20 feet at the base of such sign or street grade level, whichever may be higher.
- 5) The maximum square footage of any ground sign shall be 125 square feet. Developers of new outparcels shall also be able to erect wall and/or marquee signage as long as the total signage for the Unified Business Development does not exceed the 12,050 square foot maximum.
- 6) At no time shall any of the existing or proposed signage be used to advertise businesses or other organizations that are not part of the Unified Business Development.
- 7) Parking and landscaping shall remain as currently developed.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Butler, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

ITEM 4: AMEND CONDITIONAL OFFICE-INSTITUTIONAL REZONING - HOSPICE HOME

Mayor Wall announced that a public hearing had been scheduled to consider amending a Conditional Office-Institutional rezoning approved by City Council June 17, 2008. The amendment is to allow a 5,000 square foot addition with six beds and a welcome center to the Hospice Home located at 914 Chapel Hill Road east of Collins Drive as shown on Alamance County Tax Map 110-459, Lot 129.

Mr. Peter Barcus, Hospice, requested permission to add six rooms to the Hospice Home. He explained that the request would exceed the 1000-foot addition and that the City ordinance requires approval of Council.

Upon motion by Councilmember Ross, seconded by Councilmember Butler, it was resolved unanimously to close the public hearing.

Mayor Pro Tem Huffman moved for the adoption of the following ordinance:

10-17

ORDINANCE TO AMEND CONDITIONAL OFFICE-INSTITUTIONAL REZONING TO ALLOW ADDITION AT HOSPICE HOME

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That Hospice and Palliative Care Center of Alamance-Caswell has requested that the Conditional Office-Institutional rezoning approved June 17, 2008, be amended to allow a 5,000 square foot addition with six beds and a welcome center at the Hospice Home located at 914 Chapel Hill Road as shown on Alamance County Tax Map 110-459-129.

Section 2. That the amendment to the Conditional Office-Institutional rezoning allowing a 5,000 square foot addition is hereby authorized subject to the property complying with all previously approved Use and Development Conditions.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Faucette, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

NEW BUSINESS:

ITEM 5: NAMING CITY PARK AND WILLOWBROOK PARK FACILITIES:

Mayor Wall announced that the City Council would consider approving the naming of the following facilities located at the City Park and Willowbrook Park:

Jimmy F. Combs  
Memorial Pavilion

Joseph P. Barbour, Jr.  
Pavilion at Willowbrook Park

City Manager Owen stated that Mr. Combs was a long time employee of the City Parks and Recreation Department and that Mr. Barbour was an elected official that served as Councilmember and Mayor.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved unanimously to approve the naming of the above mentioned facilities.

PUBLIC COMMENT PERIOD

There were no public comments.

CITY COUNCIL COMMENTS:

Mayor Wall:

- Special thanks to Libby Lasley and Lesley Peavey for the planting of flowers on Davis Street.
- Neighborhood meetings for Summer 2010 have been set:
  - August 12 - Fairchild Community Center
  - August 19 - Turrentine Middle School
  - August 26 - Mackintosh on the Lake Club House
  - September 2 - Elmira Community Center
  - September 9 - St. Matthews AME Church
  - September 16 - Kernodle Senior Center
- Town Hall Day - Wednesday, June 16 - Raleigh - Lunch with Legislatures
- Prayers and thoughts with the family of Bea Holt who suffered a stroke. (Ms. Holt passed away early Friday morning, June 18, 2010.)



- Councilmember Butler said he read an editorial in the Times-News that something to the effect that Burlington was a sanctuary City. He stated that Burlington is not a sanctuary City. He explained that the Burlington City Council and staff want to provide safety and well being for the residents. He stated that Chief Williams is doing an excellent job.

#### ADJOURN

Upon motion by Councilmember Ross, seconded by Councilmember Faucette, it was resolved unanimously to adjourn.

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Jondeen D. Terry  
City Clerk